

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

<u>In the Matter of:</u>)	
)	
Hill Country DC, LLC)	
t/a Hill Country)	
)	License No. 83696
)	Order No. 2010-383
Application for New)	
Retailer's Class CR License)	
)	
at premises)	
410 7 th Street, N.W.)	
Washington, D.C. 20004)	
<u></u>)	

Hill Country DC, LLC, t/a Hill Country, Applicant

Charles A. Doctor, Vice Chair, Advisory Neighborhood Commission (ANC) 6C

Nanette M. Paris, on behalf of the Downtown Neighborhood Association

Kevin Wilsey, on behalf of the Gunwyn-Lansburgh Limited Partnership

Robert M. Liebscher, on behalf of the Lansburgh Residents

BEFORE: Nick Alberti, Acting Chairperson
Donald Brooks, Member
Calvin Nophlin, Member
Mike Silverstein, Member

ORDER ON VOLUNTARY AGREEMENT AND WITHDRAWAL OF PROTEST

The official records of the Alcoholic Control Board (Board) reflect that Hill Country DC, LLC, t/a Hill Country (Applicant), Applicant for a new Retailer's Class CR License located at 410 7th Street, N.W., Washington, D.C., Charles A. Doctor, Vice Chair, ANC 6C, Nanette M. Paris on behalf of the Downtown Neighborhood Association, Kevin Wilsey on behalf of the Gunwyn-Lansburgh Limited Partnership, and Robert M. Liebscher, on behalf of the Lansburgh Residents have entered into a Voluntary Agreement, dated June 16, 2010, setting forth the terms and conditions that govern the operation of the Applicant's establishment. This Agreement constitutes a withdrawal of the Protest of this Application.

Accordingly, it is this 7th day of July 2010, **ORDERED** that:

1. The Application filed by Hill Country DC, LLC, t/a Hill Country (Applicant), for a new Retailer's Class CR license located at 410 7th Street, N.W., Washington, D.C., is **GRANTED**;
2. The Protest in this matter is hereby **DISMISSED**;
3. The above-referenced Voluntary Agreement submitted by the Applicant, ANC 6C, and Protestants to govern the operations of the Applicant's establishment are **APPROVED** and **INCORPORATED** as part of this Order, except for the following:

- a. "Section 1 – Nature of Business" shall be removed and the following clause shall be added to the preamble:

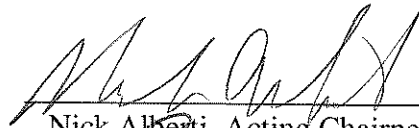
WHEREAS, Hill Country Barbecue Market will operate only as a family-style restaurant, which honors the legendary Texas dry-rub, "smoked low and slow," style barbecue which originated in the Austin area. Patrons visit various stations at which brisket, sausage, ribs, and other meats and traditional trimmings are carved to order by the pound. The barbecue is served on butcher paper and carried by customers to table seating.

- b. "Section 5 – Private Events" shall have the last sentence, which states, "The Applicant shall also provide written notice to Lansburgh 7 days in advance of each private party notifying them of the event," removed.

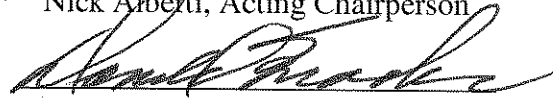
4. Copies of this Order shall be sent to the Applicant, ANC 6C, the Downtown Neighborhood Association, Gunwyn-Lansburgh Limited Partnership, and Robert Liebscher.

Hill Country DC, LLC
t/a Hill Country
License No: 83696
Page 3

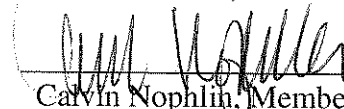
District of Columbia
Alcoholic Beverage Control Board



Nick Alberti, Acting Chairperson



Donald Brooks, Member



Calvin Nophlin, Member

Mike Silverstein, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 941 North Capitol Street, N.E., Suite 7200, Washington, D.C. 20002.

VOLUNTARY AGREEMENT

THIS AGREEMENT is made and entered into as of this 15th day of June, 2010 by and between Hill Country DC, LLC ("**Applicant**"), Advisory Neighborhood Commission ("**ANC**") 6C; the Downtown Neighborhood Association; Gunwyn-Lansburgh Limited Partnership (the "**Lansburgh**"); and Robert Liebscher, Richard Eury, David White, Gary Matthews, Miranda Liebscher, Jinny Eury, Linda Lingle, Renee Ingram, and Dylan Landis (collectively, "**Lansburgh Residents**"), (together "**Protestants**");

WHEREAS, Applicant has filed an application with the District of Columbia Alcoholic Beverage Control Board ("**ABC Board**") for issuance of a Retailer's Class CR license for premises 410 7th Street, N.W., Washington, D.C. to be operated as Hill Country Barbecue Market ("**Restaurant**"); and,

WHEREAS Protestants have lodged protests of said application in light of the potential effects of the Restaurant on neighboring residential uses; and,

WHEREAS, in recognition of the ABC Board's policy of encouraging parties to a protested proceeding to settle their differences by negotiating agreements, the parties being desirous of entering into an agreement whereby, subject to approval of the ABC Board, Applicant will agree to adopt certain measures to address the Protestants' concerns in reliance upon which Protestants will withdraw their protests and agree to the issuance of the ABC License;

NOW, THEREFORE, in consideration of the mutual covenants and undertakings memorialized herein, the parties agree as follows:

1. **Nature of Business:** Hill Country Barbecue Market will operate only as a family-style restaurant, which honors the legendary Texas dry-rub, "smoked low and slow," style barbecue which originated in the Austin area. Patrons visit various stations at which brisket, sausage, ribs and other meats and traditional trimmings are carved to order by the pound. The barbecue is served on butcher paper and carried by customers to table seating. Live music may be presented daily only as an accompaniment to patron dining. There will be no outdoor seating. Seating will be provided on two floors: the first floor ("**Main Level**") and below grade ("**Lower Level**"). At no time will the Applicant establish a dance floor in the Restaurant or operate the Restaurant as a club or lounge. The Applicant states that Hill Country Barbecue Market's sister location in New York City has been open since 2006, and derives approximately 75% of its revenues from the sale of food.

2. **Capacity:** Applicant shall at all times conform to the seating and occupancy limitations recited on its Certificate of Occupancy; provided, that Applicant shall not seek capacity greater than seating for 331 persons and a total occupancy of no greater than 544 persons; provided, that for normal, daily restaurant operations (excluding occasions when the entire premises is closed to the general public in order to host private events), occupancy will be limited to 400 patrons. Further, no more than 229 individuals will be permitted on the Lower Level at any one time.

3. **Hours of Operation:** Applicant will cease operations no later than 1:00 am Sunday—Tuesday and 2:00 am Wednesday—Saturday; provided, (i) that on days before holidays designated by the ABC Board as "Extended Hours for ABC Establishments" Applicant may operate for one additional hour; and, (ii) on each January 1, Applicant may operate until 3:00 am.

4. Hours and Location of Music: Applicant will cease presentation of live music no later than 11:00 pm Sunday, 12:00 am Monday — Thursday, and 1:00 am Friday — Saturday. The aforementioned hours for live music shall be effective provided, (i) that on days before holidays designated by the ABC Board as “extended Hours for ABC Establishments” Applicant may present live music for one additional hour; and, (ii) on each January 1, Applicant may present live music until 2:00 am.

5. Private Events: In the event the Applicant hosts private events in the restaurant (to the exclusion of the general public from the entire premises), the same operational rules outlined herein shall still apply (except as provided in Section 2, above). The Applicant shall also provide written notice to Lansburgh 7 days in advance of each private party notifying them of the event.

6. Noise Control: Applicant acknowledges that there exist residential uses contiguous to the Restaurant and that suppression of noise is of paramount concern to Protestants. Accordingly, the Applicant agrees to operate the Restaurant in compliance with Section 25-725(a) of the D.C. Code despite the exceptions provided in Section 25-725(b)(3); specifically, that the Restaurant shall not produce any sound, noise, or music of such intensity that it may be heard in any premises other than the licensed establishment.

To that end, Applicant and Protestants have conducted noise testing in the subject premises and Applicant agrees to implement, during the course of renovation of the premises, the sound attenuation measures identified on Exhibit A hereto. The Applicant further agrees to implement, to the extent necessary to give effect to the first paragraph of this Section 6, the sound attenuation measures identified by the Applicant’s sound consultant, attached hereto as Exhibit B. Prior to opening, Protestants shall have another opportunity to conduct their own noise analysis of both floors of the Restaurant and Applicant agrees to implement commercially-reasonable sound attenuation measure identified by the Protestants’ noise consultant prior to opening the Restaurant.

If, after opening of the restaurant any Protestant complains that an unacceptable level of noise can be heard or vibrations felt in a residential building, the Protestants and their noise consultant shall have additional opportunities to conduct further noise analyses in the Restaurant in order to ascertain the source of, and identify means to remediate, the subject of any such complaint. The Applicant shall implement each commercially-reasonable noise attenuation measure specified by the Protestants’ noise consultant as necessary to resolve any such complaint, at the sole cost of the Applicant. All complaints shall be made in writing to one of the representatives of the Applicant identified in Section 10 with a copy to the Lansburgh.

7. Environmental: Applicant will contract for regular pest control and trash removal services. Prior to 7:30 am of the next day after each night that Hill Country Barbecue Market is open for business, Applicant will ensure that any litter, trash, and debris is removed from the sidewalk and curb area in front of the establishment. Trash will be removed a minimum of five days per week, between the hours of 7:00 am and 6:00 pm only. Until removed, trash will be stored only in secured, rodent-proof containers. Applicant’s trash storage area will be maintained in clean condition at all times. In order to preclude smoke and cooking odors from penetrating any residential building, Applicant shall install and maintain the Captive-Aire Pollution Control Unit described on Exhibit C hereto. The Applicant shall perform regularly scheduled maintenance to clean the filters in the scrubber unit. The Applicant shall also provide a vertical duct discharge off of the roof mounted exhaust fan. The discharge duct should extend vertically a minimum of six feet (6’) above the discharge of the fan.

8. Consideration of Neighborhood: Applicant's management personnel will monitor the public sidewalk in front of, and to either side of, the Restaurant and will undertake all reasonable, lawful efforts to discourage congregation of departing patrons. The Applicant agrees to operate the Restaurant in such a manner as to not have a deleterious impact on the neighboring residents or the neighborhood in which it intends to do business, and to fully encourage its patrons departing the establishment to do so in a peaceful, quiet, and orderly manner that is respectful of the neighborhood. At all times, the Applicant shall cause there to be sufficient staff on duty to maintain peace and order, and to ensure the quiet enjoyment of the establishment by the patrons, and its immediate environs by patrons and neighbors. All complaints shall be in writing and mailed certified mail to one of the representatives of the Applicant identified pursuant to Section 10, with a copy to the Lansburgh. The Applicant shall not conduct organized queuing in front of the Restaurant. The Applicant further agrees not to block thru-access in the alley, except for such reasonable periods of time during which loading or unloading or trash removal actually is undertaken.

9. Crime and Public Order Considerations: If, after consultation with the Applicant, in the opinion of the D.C. Metropolitan Police Department, First District Commander or his/her designee ("DCMPD"), the operation of Hill Country Barbecue Market has caused, is the cause of, or is significantly contributing to, additional crime or criminal activities in the neighborhood, including disorderly conduct, then Applicant shall either make changes to its operations that, in the opinion of DCMPD, are required to ameliorate the additional crime and/or criminal activities, or Applicant shall provide to the DCMPD funds sufficient to provide a police presence for adequate traffic and safety patrols for 7th Street, NW between D and E Streets, NW for hours of operation of the Restaurant from 9:00pm until closing. The police presence necessary to so maintain peace, order, and quiet, and the costs, shall be determined by the DCMPD from time-to-time and thereafter adjusted as reasonably considered necessary in the judgment of the DCMPD to compensate for the presence and operation of the Restaurant, and the Applicant shall pay such costs monthly in advance, on or before the 1st day of each month that it is open for business.

10. Contact Person: The Applicant shall provide to the Lansburgh the name and contact information, including cell phone number, for no less than two representatives of the Restaurant for the Lansburgh in order to contact with questions or concerns or in the event of an emergency. At least one of the representatives must be available at all times the Restaurant is open for business and during normal weekday business hours. In the event that complaints regarding operation of the Restaurant are not resolved upon initial contact by the Lansburgh or any other Protestant, or if avoidance of repetition shall require further action on the part of the Restaurant, a manager of the Restaurant shall contact or meet with the complaining party (as circumstances may suggest) within 24 hours of receipt of the initial complaint in order to discuss such remedial measures as reasonable may be necessary to avoid repetition.

All provisions requiring notice to be provided to the Lansburgh shall be sent by certified mail or hand delivery to:

The Lansburgh
425 8th Street, N.W.
Washington, DC 20004
Attn: Management Office

All provisions requiring notice to be provided to the Advisory Neighborhood Commission ("ANC") shall be sent to the Single Member District Representative for ANC 6C09.

11. **Withdrawal of Protest:** Protestants hereby withdraw their protests of the subject application and agree to the issuance of the ABC license; provided that this Voluntary Agreement is fully and completely incorporated into the Board's order approving the license application.

12. **Enforcement:** Unless otherwise provided for above, the parties agree that Applicant will be given written notice of any alleged violation of this Agreement (with a copy to the Lansburgh, Attn: Management Office, and 6C09), and will be afforded reasonable time to investigate (to include conferring with the aggrieved party) and respond to any such complaint (not greater than ten (10) days). The parties agree that if reasonable complaints of violation are not resolved, any failure of the Applicant to adhere to the foregoing commitments would constitute grounds for the Protestants to petition the Board for issuance of an Order to Show Cause, as provided by 23 DCMR §1609.2.

13. **Successors and Assigns:** This Agreement contains the entire understanding of the parties which supersedes all prior agreements and understandings between the parties relating to the subject matter hereof. This Agreement shall be binding upon and inure to the benefit of the respective successors, affiliates and assigns of the Applicant and the Protestants.

IN WITNESS WHEREOF, the Parties have affixed herein their hands and seals on the date first herein above written.

APPLICANT:

HILL COUNTRY DC, LLC

Marc Glosserman
By: Marc Glosserman
Managing Member

PROTESTANTS:

ADVISORY NEIGHBORHOOD COMMISSION 6C

Charles A. Docter
By: Charles A. DOCTER

DOWNTOWN NEIGHBORHOOD ASSOCIATION

Marlette M. Paris
By:

GUNWYN-LANSBURGH LIMITED PARTNERSHIP

Kevin Wilsey
By: Kevin Wilsey

LANSBURGH RESIDENTS

Robert M. Liebscher
By: ROBERT M. LIEBSCHER

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HILL COUNTRY DC, LLC


By: Marc Glosserman
Managing Member

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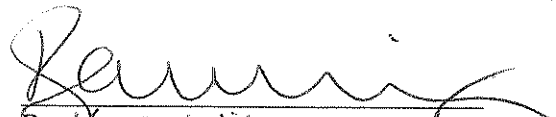
ADVISORY NEIGHBORHOOD COMMISSION 6C


By: Charles A. DeGTER

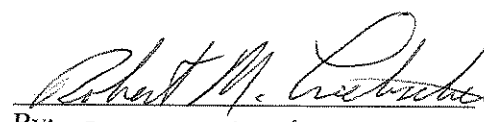
DOWNTOWN NEIGHBORHOOD ASSOCIATION


By: Nanette M. Paris

GUNWYN-LANSBURGH LIMITED PARTNERSHIP


By: Kevin Wilsey

LANSBURGH RESIDENTS


By: ROBERT M. LIEBSCHER

Acoustical Considerations for HCDC

Marc,

At your request I tested the area around the HCDC to see what noise control materials that I would recommend. Below are the results and my recommendations. I used a 4 10" speaker cabinet playing pink noise and used results from an spl meter on C and A weighted scales

Scale.	C.	A
Inside.	114.	110
Outside back	84.	64
Upstairs.	80.	70
Store left	ambient noise greater	
Restaurant right	ambient noise greater	
Apt right.	ambient noise greater	

ambient noise level is the sound pressure level at a given location, normally specified as a reference level to study a new intrusive sound source.

Based on these findings I have the following recommendations:

1. there is no discernible value in adding mass to the left and right walls as any sound transmitted would be structure borne. That is the sound would be induced into the floor and wall and transferred through the structure of the building.
2. There is a great deal of sound bleeding into the back alley mostly coming from the window. I would recommend either sealing the window or a window material with a high STC rating.
3. I would use fiberglass insulation and double layer 5/8" drywall on isolation hangers similar to the ones below
<http://www.kineticsnoise.com/arch/icw/index.aspx>
 on the ceiling of the first floor. We would need to look at how you are handling the first to second floor stairway and all doorways that could leak sound upstairs.
4. Isolate the performance stages from the floor to diminish low frequency noise (ie bass and guitar amps, drums) being induced into the first floor of the building.

If you have any questions please contact me at Ultraudio@gmail.com



MILLER, BEAM & PAGANELLI, INC.

CONSULTANTS IN ACOUSTICS, VIBRATION & AUDIOVISUAL SYSTEM DESIGN

June 7, 2010

Kevin Wilsey
General Manager
The Lansburgh
425 8th Street, NW
Washington, DC 20004

Re: THE LANSBURGH - Acoustical Testing Results & Recommendations to Reduce Noise Impact from Adjacent Business

Dear Mr. Wilsey:

An acoustical survey was made at your building to determine the noise impact of a live band performing in the adjacent building. Noise Isolation Class (NIC) tests were run using "pink noise" as the source in the street level space next door which is proposed for use as a bar/restaurant as well as testing of recorded music in order to gain an understanding of the subjective impact that a live band will have. The survey results and the recommendations which we have developed to minimize the impact of the adjacent business on your building are documented herein.

SURVEY RESULTS

Sound pressure level measurements were made in each $\frac{1}{3}$ octave band between 20 Hz and 12,500 Hz with a Rion NA-27 Real Time Analyzer which complies with the ANSI requirements for a Type 1 (Precision) instrument, is under current calibration traceable to NIST, and was field calibrated prior to making the measurements. The NIC is a method for rating the amount of noise that will impact one space from an adjacent space and includes the contribution of all paths; noise that passes directly through a partition as well as noise that flanks around, over, or under a partition. This type of test is usually run on an installed partition in the field. The Sound Transmission Class (STC) is similar to the NIC with the primary difference being that the STC is usually tested in a lab and rates the ability of a particular partition, without the contribution of flanking paths, to prevent noise transmission from one side of a partition to the other.

The NIC test involves generating "pink" noise (pink noise is defined as equal noise levels in each octave band) on one side of a partition, measuring the noise level impinging on the partition being tested, and then measuring the noise level in the space on the opposite side of the partition being tested. The difference in the two levels in each $\frac{1}{3}$ octave band from 125 Hz to 4,000 Hz is the Noise Reduction (NR) which is then plotted onto an NR vs. Frequency graph. The standard NIC contour is then superimposed on this graph. The NIC contour is then moved up the graph according to two criteria; the measured data in any individual $\frac{1}{3}$ octave band cannot be more than 8dB less than the standard NIC contour (this is referred to as a maximum deficiency of 8 dB) and the sum of all of the deficiencies of the measured $\frac{1}{3}$ octave band data below the standard NIC curve cannot exceed 32. If moving the standard NIC curve up 1 additional point will cause either of these conditions to be exceeded then the process ends and the NIC rating given the partition is the TL of the standard NIC curve at the 500 Hz band.

The NIC rating of the partition between the street level spaces in both buildings was 67 NIC, as shown in the attached graph. This rating is in line with expectations for the heavy masonry construction between the buildings. However, the graph also shows a significant dip in performance at 50 Hz to less than 40 dB in NR. This indicates that the bass frequencies will pass through the existing partition at a level that will likely disturb residential occupants of your building. This conclusion based on the objective testing is also supported by the subjective testing which was performed using recorded music as the sound source. In these tests the bass beat was audible in the 1st and 2nd floor residential units in your building. Given the fact that our tests were performed at around 5 PM on a weekday with high levels of street noise and low expectations of quietness indicates that it will likely be significantly more annoying to a resident who is trying to sleep at night when the street noise has subsided and their ears are more sensitive to noise. The energy average (Leq) sound levels impacting the partition by the pink noise and the music are very similar at around 100 dB in each 1/3 octave band, or approximately 110 dBA. The speakers were set up approximately 30 ft from the partition and the bar's sound system consultant stated that they would not run the sound system at that level. However, as we understand that the plan currently calls for the stage to be against the demising partition, we think these levels are possible and realistic from both the speakers and the drummer, both of which will be very close to the partition.

RECOMMENDATIONS

In order to reduce the likelihood of noise from the bar disturbing the adjacent residential building we recommend improving the primary and secondary paths for noise transmission between the buildings. The primary path is directly through the existing demising partition. In order to improve the NIC of the existing partition we recommend that a free standing 6 inch steel stud be installed with a minimum 2 inch gap between the stud and the existing demising partition (shown in the attached figure) in both the basement level and the street level. A base layer of 1 inch thick drywall (also called shaftwall) and a finish layer of ½ inch drywall should be attached to the bar side of the stud only. Eight inch thick fiberglass batt insulation should be installed in the stud cavity. The interior walls which run perpendicular to this new wall should end at this new wall, not penetrate through to the structural wall.

The top of the wall should be supported from the isolated ceiling (detail attached). The ceiling in the basement and the street level should be isolated from the structure as shown. This will prevent high noise levels from entering the floor structure above and then reaching your building.

We recommend that a floating floor be installed over the structural street level floor if bands and line dancing, etc, will happen on that floor. If a floating floor is installed (<http://www.kineticsnoise.com/arch/rim/wood.aspx>) then the new partition should be installed on top of the floor. If floating the entire floor is not practical at this point in the design then at least the band riser should be isolated from the structural floor.

The windows and other paths for noise to escape the bar into the back alley should be sealed, preferably by bricking over the existing window openings. In order to improve the interior acoustics and listening environment in the bar as well as to reduce the build-up of sound that would increase the possibility of noise transmission to your building, sound absorptive surface finishes should be incorporated into the design of the bar. At a minimum we suggest installing an acoustical tile ceiling below the isolated drywall ceiling with an NRC of .9 or higher. 2 inch thick fabric wrapped

*June 7, 2010
Miller, Beam & Paganelli, Inc.*

fiberglass panels should be installed to the wall behind the band riser in order to reduce the sound level of the drummer and the stage monitors impinging on the partition.

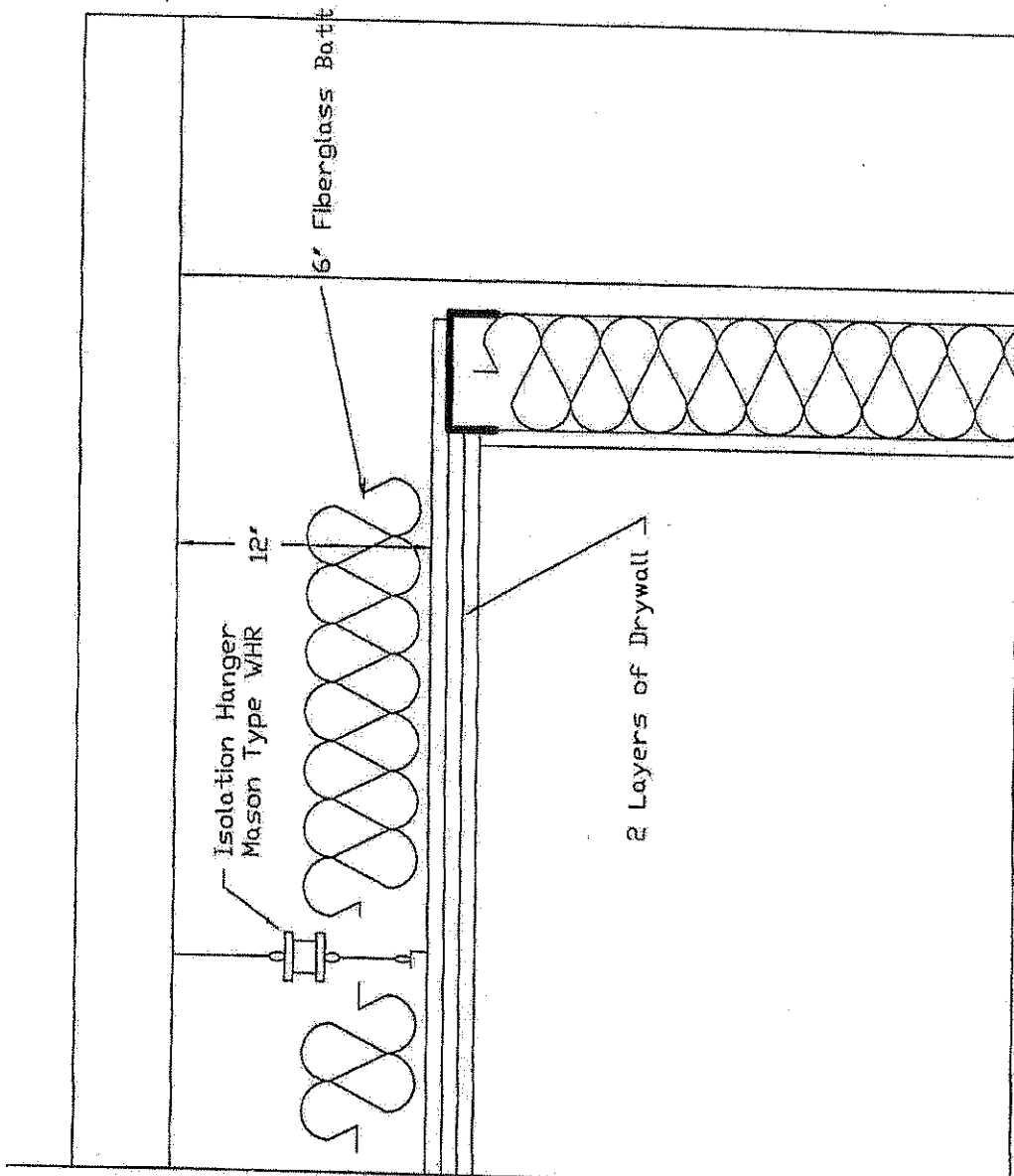
CONCLUSION

The proper implementation of the above recommendations will minimize the likelihood that your residents will be disturbed by noise in the bar. If there are any questions on the recommendations or on their proper implementation please contact me.

Sincerely,

Martin J. Beam
Principal

attachments (3)



MILLER, BEAM & PAGANELLI, INC.

SHEET: 1

PROJECT: Lansburgh

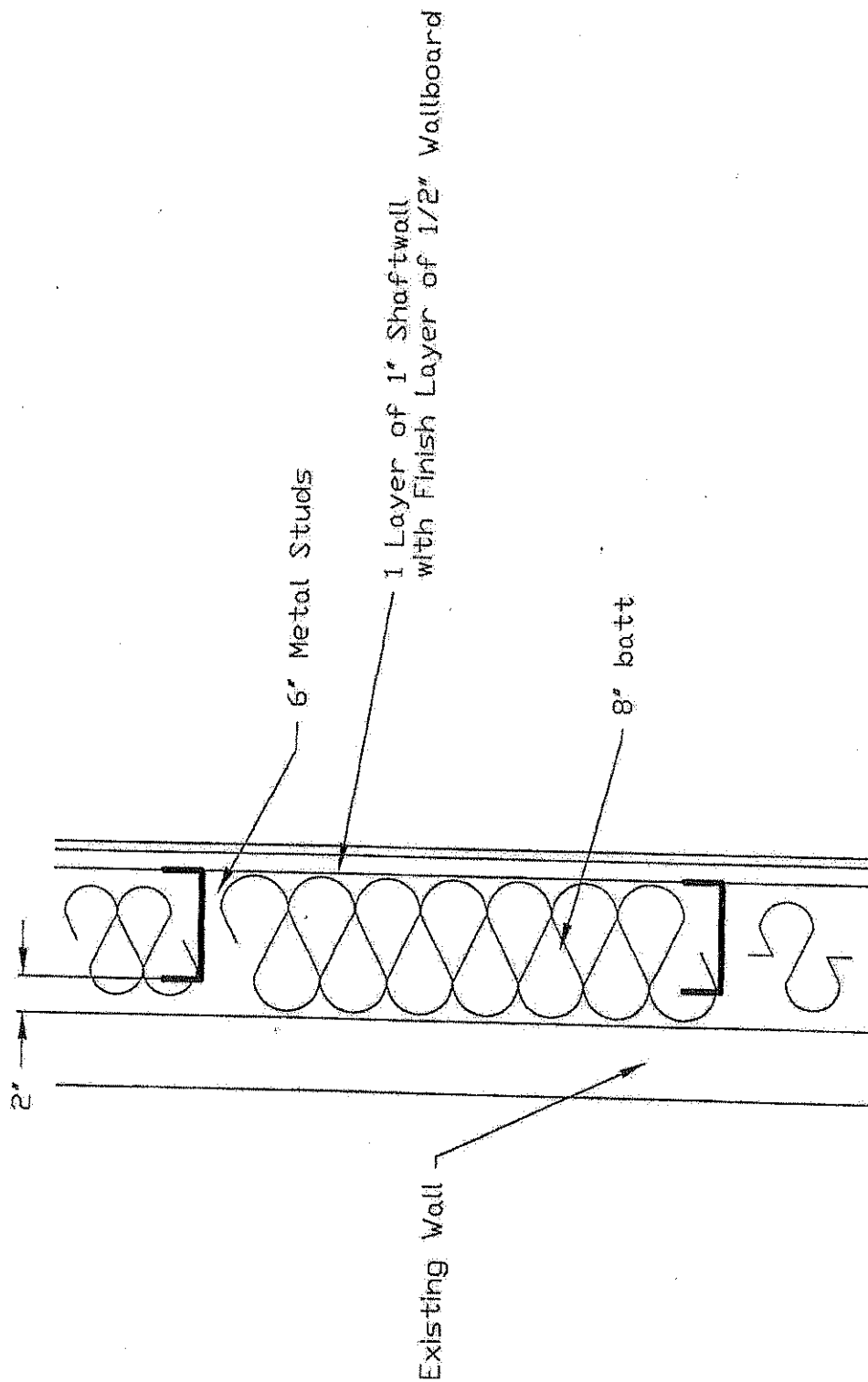
FIGURE 2

DATE: 6/7/10

SCALE: None

TITLE: Schematic Isolated Gypsum Board Ceiling

OF: 1



MILLER, BEAM & PAGANELLI, INC.

PROJECT: Lansburgh

SHEET: 1

FIGURE: 1

DATE: 6/7/10

SCALE: None

TITLE: Schematic Wall Detail

OF: 1

TITLE THE LANSBURGH
Measurement Date: 5/13/2010

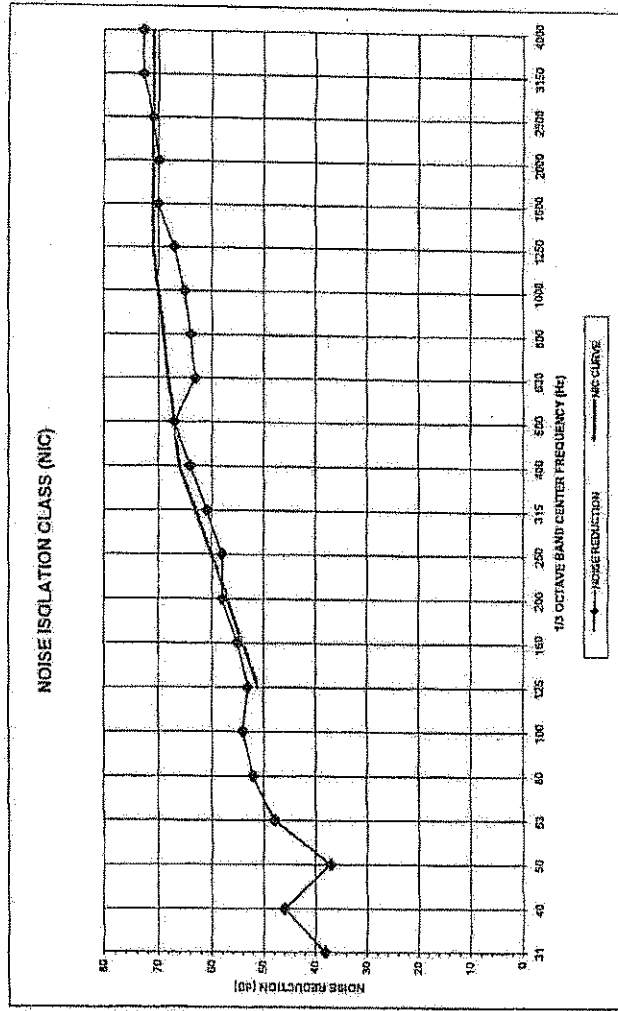
Source Location : CLUB
Receive Location : ST LEVEL UNIT

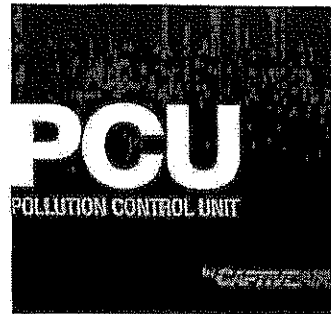
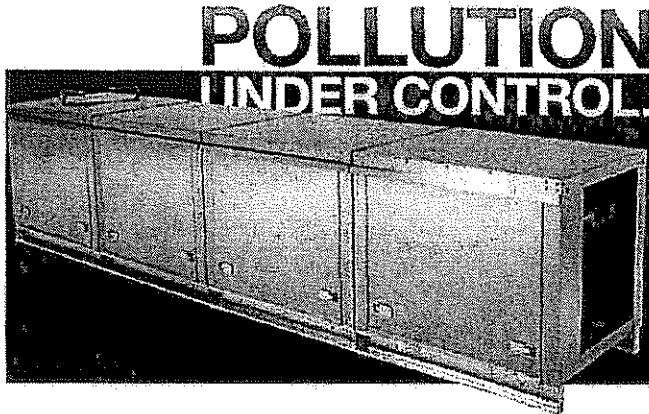
NIC LEVEL 67

Maximum Deficiency -5

Sum of Deficiencies -27

Frequency (Hz)	Source Level (dB)	Receive Level (dB)	Reduction (dB)
31	91.1	53	38
40	96.9	51.4	46
50	98.1	60.7	37
63	101.9	53.9	48
80	100.1	48.3	52
100	98.7	44.5	54
125	98.8	46.3	53
160	102	47.2	55
200	101.6	43.6	58
250	98.2	39.9	58
315	98.4	37.2	61
400	98	34.2	64
500	98.8	32.2	67
630	96.2	32.8	63
800	93.3	29.5	64
1000	93.2	27.8	65
1250	94.1	26.9	67
1600	95.4	25.7	70
2000	92.7	23	70
2500	93.6	22.5	71
3150	92.9	19.9	73
4000	93	19.7	73





Field Photos



[View Product Images »](#)

Product Resources

[Component Details »](#)
[CORE Fire Protection »](#)
[Filter Efficiency Chart »](#)
[Fire System Connections »](#)
[PCU Fire System Information »](#)
[Full Page Ad »](#)
[Fire System Size »](#)
[Independent Filter Capture Efficiency Testing »](#)
[Independent Odor Breakthrough Testing »](#)
[NYC Certificate of Approval »](#)
[PCU Blower Manual »](#)
[PCU Filtration Manual »](#)
[PCU Series Spec Sheet »](#)
[Pressure Drops »](#)
[Submittal Drawings »](#)
[Written Specification »](#)

Fan Resources

[Motor Information »](#)
[Performance Data »](#)
[Submittal Drawings »](#)
[Written Specs »](#)

Approvals

Applicable Standards: The PCU Series has been certified by ITS. This certification mark indicates that the product has been tested to and has met the minimum requirements of a widely recognized (consensus) U.S. and Canadian products safety standard, that the manufacturing site has been audited, and that the applicant has agreed to a program of periodic factory follow-up inspections to verify continued performance.

Models PCU are ETL Listed under file number 3176852SAT-001 and complies with UL710 Standards and

Sustainable By Design

The CaptiveAire Pollution Control Unit, PCU Series, is designed specifically for the removal of smoke and grease particles from the air stream of commercial kitchen exhaust systems and to eliminate or reduce odor to an acceptable level if equipped with the optional odor control section. The PCU is designed for use with a CaptiveAire high efficiency self-cleaning or baffle ventilator but may be used with other high efficiency exhaust hoods.

Internal view



The typical PCU includes a washable steel pre-filter and disposable, high efficiency, (MERV 14) media filter. A HEPA final filter module is available for smoke control, and odor control is handled via an optional 50/50 blend carbon/permananate module. Sizes range in capacity up to 10,000 CFM. The PCU is ETL listed to standard UL710 and is suitable for indoor or outdoor installations.

Features:

- Constructed specifically to meet kitchen exhaust duct standards.
- Optional Odor Removal Module.
- Optional HEPA Final Filter for 99.99% extraction.
- Suitable for indoor or outdoor installation.
- Unit may be shipped in one piece or in sections to facilitate entry and installation.
- Optional exhaust fan.
- Optional CORE Protection Fire System.

Benefits

- Pre-engineered for the most efficient and cost-effective systems.
- Listed by ETL Testing Laboratories, assuring acceptance by local building officials.
- Service network of over 100 factory trained agencies responding to your service needs.
- One year parts warranty.

PCU with optional exhaust fan

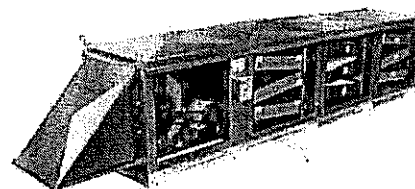


EXHIBIT C

6/10/2010 11:15 AM

ULC710 Standards.

CaptiveAir Systems, Inc. certifies that KB models shown herein are ETL Listed under file numbers 3158877SAT-001 and comply with UL762 Standards and CSA Std C22.2, No. 113.



Fan Features & Benefits

- TEFC, Class H Insulation, washdown duty motors
- Heavy duty construction; durable and weather resistant
- Non-overloading backward inclined wheels
- Fully Adjustable motor mounting base
- Quick release latches allow for easy access to motor compartment
- Variable pitch motor pulley allows for field adjustment and system balancing
- High efficiency combined with low tip speeds results in quiet operation
- Standard emergency disconnect switch

Fan Options

- Opposite Side Controls
- Roof Equipment Rails
- Side Discharge Outdoor Screen

Pollution Control Unit Specification

Construction

PCU Series shall be factory assembled pollution control unit capable of significantly reducing smoke, grease and odor from the exhaust air stream.

Housing: The PCU housing is to be constructed of 430 SS of polish 2B or better. All metal in contact with the air-stream is to be constructed of 430 SS. 1500°F Ceramic based gasket must be in place for all internal seams exposed to airflow. High temperature weatherproofing gasket must be used on all exterior seams. A 1 1/2" NPT drain is to be installed in the base of each module of the unit to aid in cleaning. An airflow switch must be installed in the final compartment of the PCU to enable an indicating light.

Base: The base shall be constructed of galvanized steel for improved rigidity. Base shall be structurally reinforced to accommodate the filter assembly.

Pre-Filter Section: The pre filter section shall include 4 inch deep steel washable permanent filters. Filter frames and media shall be constructed of steel. Filters shall be arranged in a v-bank configuration to increase filter area and reduce static pressure. All filters shall be removable without the use of tools through side access doors with lift and turn latches. Filters are to be cleanable with a water hose and soapy water. The filters shall have a minimum average arrestance of 75% in accordance with ASHRAE 52.1-1992.

High Efficiency Filter Section: The phase two filters shall consist of 4 inch deep rigid cell extended surface filters. Filter cell sides shall be constructed of high strength, high impact polystyrene plastic for durability. Beverage board filter sides shall not be permitted. Filters shall be arranged in a v-bank configuration to increase filter area and reduce static pressure. All filters shall be removable without the use of tools through side access doors with lift and turn latches. Filters are to be rated MERV 14 minimum in accordance with ASHRAE standard 52.2 and have a minimum average arrestance of 98% in accordance with ASHRAE 52.1-1992. High Efficiency module must be installed downstream of pre-filter module.

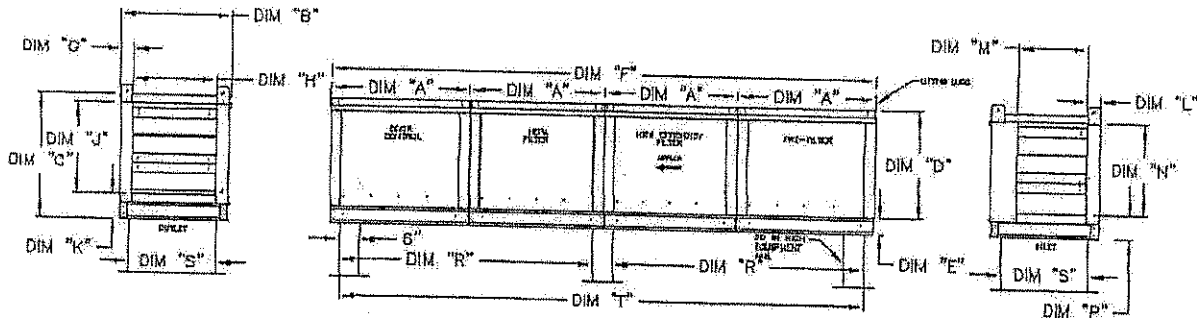
Final Filter Section (Optional): Final filter section shall consist of 4 inch deep Mini-pleat HEPA rated filters. Filter cell sides shall be constructed of steel or aluminum for durability. Beverage board filter sides shall not be permitted. Filters shall be arranged in a v-bank configuration to increase filter area and reduce static pressure. All filters shall be removable without the use of tools through side access doors with lift and turn latches. Filters are to be rated MERV 18 minimum in accordance with ASHRAE standard 52.2 and have a minimum average arrestance of 99% in accordance with ASHRAE 52.1-1992. HEPA module must be installed downstream of High Efficiency module.

Odor Control Media Section (Optional): The unit shall be provided with a 50% potassium permanganate 50% carbon blend (100% permanganate) (100% carbon) (Caustic impregnated) media. The odor removal cartridges shall be encased in steel frames. The odor removal media shall be arranged in a v-bank configuration to increase filter area and reduce static pressure. All media shall be removable without the use of tools through side access doors with lift and turn latches. Odor control module must be installed downstream of High Efficiency module or HEPA module.

Certifications

The PCU Series has been certified by ITS. This certification mark indicates that the product has been tested to and has met the minimum requirements of a widely recognized (consensus) U.S. and Canadian products safety standard, that the manufacturing site has been audited, and that the applicant has agreed to a program of periodic factory follow-up inspections to verify continued performance. Models PCU are ETL Listed under file number 3130718COL-001 and comply with UL710 Standards and ULC710 Standards.

Typical Installation

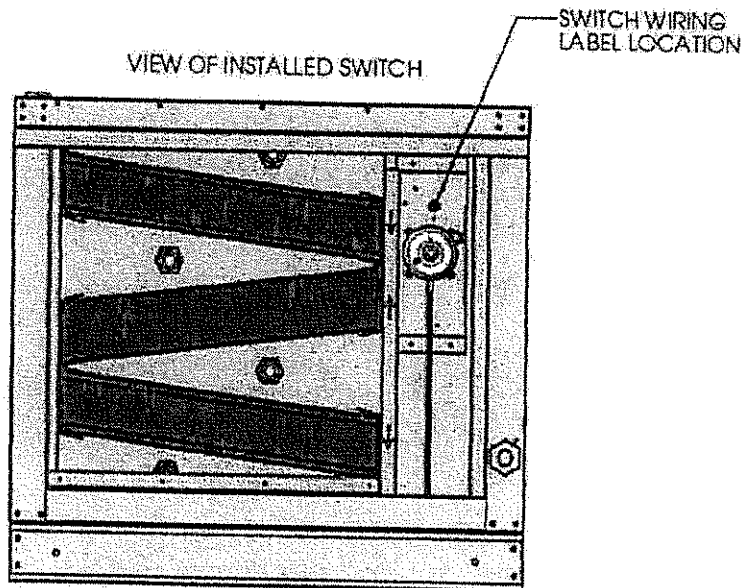
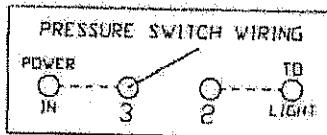
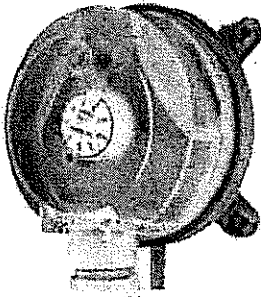


UNIT INFORMATION			UNIT DIMENSIONS										DISCHARGE OPTIONS										HOOD OPTIONS									
HOOD	WEIGHT	FILTER AREA & QTY*	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB	AC	AD
SIZE 1	112 LBS	40-210-24 (1)	25-1/8	78-3/4	25-1/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4
SIZE 2	135 LBS	40-210-24 (1)	25-1/8	78-3/4	25-1/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4
SIZE 3	158 LBS	40-210-24 (1)	25-1/8	78-3/4	25-1/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4
SIZE 4	181 LBS	40-210-24 (1)	25-1/8	78-3/4	25-1/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4
SIZE 5	204 LBS	40-210-24 (1)	25-1/8	78-3/4	25-1/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4	18-3/4

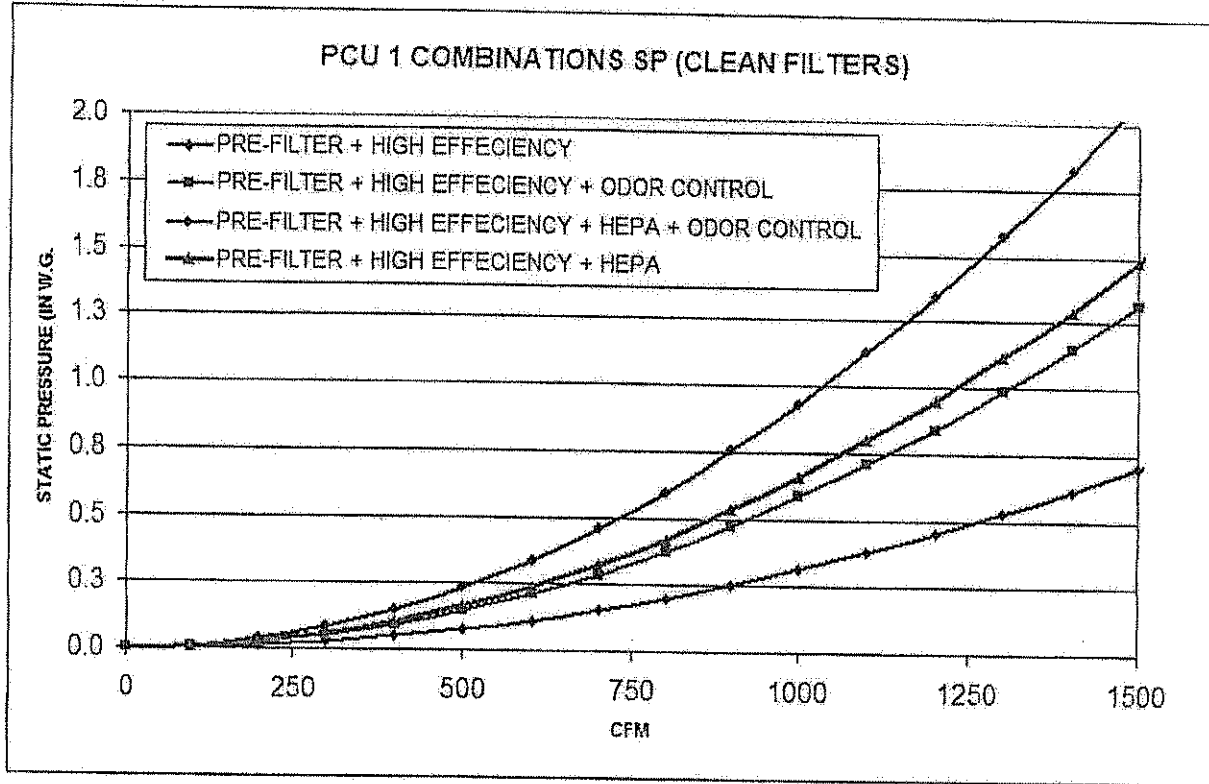
ALL DIMENSIONS ARE NOMINAL AND GIVEN IN INCHES.
*US ULTD LISTED FOR GREASE DUCT INSTALLATION
WHEN USED AT KITCHEN GREASE DUCT, UNIT MUST BE INSTALLED DOWNSTREAM OF A LISTED HOOD ASSEMBLY
*FILTER QUANTITY SHOWN IS PER MODULE
DRAFT SUPPLIED BY EACH MODULE FOR WASHDOWN

Typical Installation of Air Pressure Switch

Switches are preset from plant to 0.15" w.c. above the internal static pressure of the PCU with clean filters. The Air pressure switch is located in the downstream filter module. Route wiring from hood control panel to PCU using 1/2" conduit through quick seal located near lower right area of filter module containing switch. Use existing conduit in module to route wires from exterior of module to switch. Install wiring according to label above switch. Be sure all conduit fittings are tight. Once filters become clogged, switch closes illuminating light in kitchen. User should then clean or replace filters as required.



Pressure Drop Curve
PCU Size 1 Shown





Centrifugal PCU Exhaust Fan Specification

Model KB fan shall be a backward incline, roof mounted or indoor, belt drive, up-blast centrifugal exhaust ventilator. Steel centrifugal roof exhausters are engineered to discharge grease laden vapors, fumes and other contaminants.

Construction

Housing: The fan housing shall be constructed of stainless steel. The internal structural support and external mounting material shall be 14 GA.G90 galvanized steel minimum.

Base: The base shall be constructed of galvanized steel for improved rigidity. Bolt patterns shall be provided in the base to allow connection to a pollution control unit.

Wheel: The fan wheel shall be centrifugal backward inclined and non-overloading. Wheels shall be balanced in two planes and done in accordance with AMCA standard 204-96, Balance Quality and Vibration Levels for Fans. The wheel blades shall be aerodynamically designed to minimize turbulence, increase efficiency and reduce noise. The wheel blades shall be welded to the wheel inlet cone. In the event that balancing weights are required they shall be riveted to the blades or wheel. The wheel inlet shall overlap the fan inlet for maximum performance and efficiency. The wheel shall be firmly attached to the motor shaft with two setscrews.

Motor & Motor Compartment: Motors shall be heavy-duty ball bearing type, mounted on an adjustable base and furnished at the specified voltage, phase and enclosure. Motor mounting plate shall be constructed of heavy gauge steel and isolated from the fan structure with vibration isolators. The motor shall be Totally Enclosed and Fan Cooled and have high temp class F insulation. Motors shall be washdown duty. The motor compartment shall be of a two-piece construction, quick release clips to provide quick and easy access to the motor compartment.

Shaft & Bearings: Shafts shall be precision ground and polished. Heavy duty, pre-lubricated bearings shall be selected for a minimum (L50) life in excess of 200,000 hours of operation at maximum cataloged operating speed. They shall be designed for and individually tested specifically for use in air handling applications.

Belts & Drives: Belts shall be oil and heat resistant, non-static type. Drives shall be cast type, precision machined and keyed and secured attached to the fan and motor shafts. Drives shall be sized for a minimum of 150% of the installed motor horsepower. Fan operating speed shall be factory set using adjustable pitch motor pulleys.

Safety Disconnect Switch: A safety disconnect switch shall be standard on all units. Switches shall be installed in a NEMA3R enclosure and mounted to exterior of the fan for easy access.

Certifications

Captive-Aire Systems, Inc. certifies that KB models shown herein are ETL Listed under file numbers 3158877SAT-001 and comply with UL762 Standards and CSA Standard C22.2, No. 113.

